

CITY OF EL PASO, TEXAS
AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM

DEPARTMENT: Planning and Economic Development Department, Planning Division

AGENDA DATE: Introduction: January 17, 2012
Public Hearing: February 7, 2012

CONTACT PERSON/PHONE: Andrew Salloum, (915) 541-4633, salloumam@elpasotexas.gov

DISTRICT(S) AFFECTED: ETJ/Adjacent to District 5

SUBJECT:

An ordinance changing the zoning of all of Tract 1, Section 38, Block 79, Township 2, Texas and Pacific Railroad Surveys, El Paso County, Texas, and a portion of the right-of-way of Edgemere Boulevard and Zaragoza Road from R-F (Ranch and Farm) to C-3 (Commercial), and imposing a condition. The penalty is as provided for in chapter 20.24 of the El Paso City Code. Subject Property: North of Zaragoza Road and South of Edgemere Boulevard. Applicant: River Oaks Properties, Ltd. PZRZ11-00041 (ETJ/Adjacent to District 5)

BACKGROUND / DISCUSSION:

N/A

PRIOR COUNCIL ACTION:

N/A

AMOUNT AND SOURCE OF FUNDING:

N/A

BOARD / COMMISSION ACTION:

Development Coordinating Committee (DCC) – Reviewed
City Plan Commission (CPC) – Approval Recommendation (4-0)

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) N/A

FINANCE: (if required) N/A

DEPARTMENT HEAD:

Mathew S. McElroy
Deputy Director, Planning and Economic Development Department

APPROVED FOR AGENDA:

CITY MANAGER: _____

DATE: _____

ORDINANCE NO. _____

AN ORDINANCE CHANGING THE ZONING OF ALL OF TRACT 1, SECTION 38, BLOCK 79, TOWNSHIP 2, TEXAS AND PACIFIC RAILROAD SURVEYS, EL PASO COUNTY, TEXAS, AND A PORTION OF THE RIGHT-OF-WAY OF EDGEMERE BOULEVARD AND ZARAGOZA ROAD, FROM R-F (RANCH AND FARM) TO C-3 (COMMERCIAL), AND IMPOSING A CONDITION. THE PENALTY IS AS PROVIDED FOR IN CHAPTER 20.24 OF THE EL PASO CITY CODE.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the zoning of *all of Tract 1, Section 38, Block 79, Township 2, Texas and Pacific Railroad Surveys, El Paso County, Texas, and a portion of the right-of-way of Edgemere Boulevard and Zaragoza Road*, and as more particularly described by metes and bounds on the attached Exhibit "A", incorporated by reference, be changed from **R-F (Ranch and Farm)** to **C-3 (Commercial)**, within the meaning of the zoning ordinance, and that the zoning map of the City of El Paso be revised accordingly.

Further, that the property described above be subject to the following condition which is necessitated by and attributable to the increased density of use generated by the change of zoning in order to protect the health, safety and welfare of the adjacent property owners and the residents of this City:

- 1) *That A 20 -foot wide landscaped buffer with high-profile native trees of at least two (2) inch caliper and fifteen (15) feet in height shall be placed at ten (10) feet on center along the property lines adjacent to any residential or apartment zoning districts or use. The landscaped buffer shall be in addition to the landscape requirements of Title 18 of the El Paso City Code, shall be irrigated and maintained by the property owner at all times, and shall be installed prior to the issuance of any certificates of occupancy.*

PASSED AND APPROVED this _____ day of _____, 2012.

THE CITY OF EL PASO

ATTEST:

John F. Cook
Mayor

Richarda Duffy Momsen
City Clerk

(Signatures continue on following page.)

APPROVED AS TO FORM:

Lupe Cuellar
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew S. McElroy, Deputy Director
Planning and Economic Development
Department

MEMORANDUM

DATE: January 9, 2012

TO: The Honorable Mayor and City Council
Joyce A. Wilson, City Manager

FROM: Andrew Salloum, Planner

SUBJECT: PZRZ11-00041

The City Plan Commission (CPC), on October 20, 2011, voted 4-0 to recommend **approval** of rezoning the subject property from R-F (Ranch and Farm) to C-4 (Commercial) with a condition. The zoning complies with the conditions of the annexation agreement.

The CPC found that the rezoning is in conformance with the Plan for El Paso. The CPC also determined that the rezoning protects the best interest, health, safety and welfare of the public in general; that the proposed use is compatible with adjacent land uses; and the rezoning will have no negative effects on the natural environment, social economic conditions, and property values in the vicinity and the city as a whole.

There is no opposition to this request.

Attachment:
Staff Report



City of El Paso – City Plan Commission Staff Report

Case No: PZRZ11-00041
Application Type: Rezoning
CPC Hearing Date: October 20, 2011
Staff Planner: Andrew Salloum, 915-541-4633, salloumam@elpasotexas.gov

Location: North of Zaragoza Road and South of Edgemere Boulevard
Legal Description: All of Tract 1, Section 38, Block 79, Township 2, Texas and Pacific Railroad Surveys, El Paso County, Texas, and a portion of the right-of-way of Edgemere Boulevard and Zaragoza Road
Acreage: 1.75 acres
Rep District: ETJ/Adjacent to District 5
Zoning: R-F (Annexation in Process: Case No. AN08-008)
Existing Use: Vacant
Request: From R-F (Ranch and Farm) to C-3 (Commercial)
Proposed Use: Commercial Development

Property Owner River Oaks Properties, Ltd.
Applicant River Oaks Properties, Ltd.
Representative Yolander Giner

SURROUNDING ZONING AND LAND USE

North: C-2 (Commercial) / Vacant; and R-5 (Residential) / Single-family dwellings
South: C-3/c (Commercial/conditions) / Vacant; and C-4/c (Commercial/conditions) / Vacant
East: C-2 (Commercial) / Vacant
West: C-3/c (Commercial/conditions) / Vacant; and R-5 (Residential) / Single-family dwellings

THE PLAN FOR EL PASO DESIGNATION: Residential (East Planning Area)

NEAREST PARK: Tierra Del Este #44 Park (2,912 feet)

NEAREST SCHOOL: Raphael Hernando III Middle (3,606 feet)

NEIGHBORHOOD ASSOCIATIONS

Las Tierras Neighborhood Association

NEIGHBORHOOD INPUT

Notice of a Public Hearing was mailed to all property owners within 300 feet of the subject property on October 5, 2011. The Planning Division has not received any letters or phone calls in support or opposition of the rezoning request.

APPLICATION DESCRIPTION

The applicant is requesting to rezone the subject property from R-F (Ranch and Farm) to C-3 (Commercial) to allow for commercial uses. This rezoning application is related to annexation AN08-008. Annexed properties are automatically zoned R-F (Ranch and Farm). Access to the subject property is proposed from Zaragoza Road and Edgemere Boulevard. The rezoning request meets all annexation requirements.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends **approval** of rezoning the subject property from R-F (Ranch and Farm) to C-3 (Commercial) with the following condition:

- 1) *That A 20 -foot wide landscaped buffer with high-profile native trees of at least two (2) inch caliper and fifteen (15) feet in height shall be placed at ten (10) feet on center along the property lines adjacent to any residential or apartment zoning districts or use. The landscaped buffer shall be in addition to the landscape requirements of Title 18 of the El Paso City Code, shall be irrigated and maintained by the property owner at all times, and shall be installed prior to the issuance of any certificates of occupancy.*

The approval recommendation is based on the compatibility with the surrounding commercial zoning to the south, east, and west of the subject property. The zoning complies with the conditions of the annexation agreement.

The Plan for El Paso-City-Wide Land Use Goals

All applications for rezoning shall demonstrate compliance with the following criteria:

- a. Goal: provide a pattern of commercial and office development which best serves community needs and which complements and serves all other land uses.
- b. Goal: preserve, protect, and enhance the integrity, economic vitality and livability of the city's neighborhoods.
- c. Goal: encourage the provision of neighborhood commercial services which are compatible with a neighborhood's residential character.
- d. Goal: provide a wide range of housing types that respond to the needs of all economic segments of the community.

The purpose of the C-3 (Commercial) district is to accommodate establishments providing goods or rendering services which are used in support of the community's trade and service establishments and serving multi-neighborhoods within a planning area of the city. The regulations of the districts will permit intensities designed to be compatible with each other and to provide for a wide range of types of commercial activity, including light automobile related uses.

Development Coordinating Committee Review

The DCC reviewed and discussed the application for rezoning and offered no objections to Planning Staff's recommendation for **approval**.

Engineering & Construction Management Services Department – Plan Review

No comments received.

Engineering & Construction Management Service Department - Land Development

No objections.

Department of Transportation

Transportation does not object to the proposed rezoning request.

1. Sidewalks shall be provided on Zaragoza and Edgemere.

Notes:

1. Access to Zaragoza Road. shall be coordinated with TXDOT.
2. All existing and/or proposed paths of travel (accessible sidewalks, wheelchair access curb ramps and driveways) within public rights-of-way shall be in accordance with the current City of El Paso Design Standards for Construction and shall be ADA/TAS compliant.

Fire Department

El Paso Fire Department has no objections to this rezoning request. The case remains subject to further review at later stages of the process including, but not limited to, Fire Department Plan review.

El Paso Water Utilities

We have reviewed the zoning change request reference above and provide the following comments:

1. EPWU-PSB supports and encourages voluntary annexation to the City of El Paso. Annexation fees are due at the time of new service application for individual water meters within the subject property.

EPWU Comments

Water:

2. There is an existing 20-inch diameter water main along Edgemere Boulevard. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations. Service to the property requires the extension of water main of lesser diameter along the Edgemere frontage and along the Zaragoza frontage (within and easement).

Sanitary Sewer:

3. There is an existing 18-inch sanitary sewer main along Edgemere Boulevard. No direct service connections are allowed to this main as per the El Paso Water Utilities – Public Service Board Rules and Regulations. Extension along Zaragoza Road to Edgemere Boulevard is required.

General:

4. EPWU requires a new service application to provide services to the subject property. New service applications are available at 1154 Hawkins, 3rd Floor. The following items are required at the time of application: (1) hard copy of subdivision plat with street names and addresses; (2) finalized set of street improvement plans, including storm sewer; (3) digital copy of subdivision plat; (4) benchmark check; and (5) construction schedule. Service will be provided in accordance with the current EPWU – PSB Rules and Regulations. The owner is responsible for the costs of any necessary on-site and off-site extensions, relocations or adjustments of water and sanitary sewer lines and appurtenances.

CITY PLAN COMMISSION OPTIONS

The City Plan Commission may consider the following options and additional options that it identifies when reviewing the rezoning application

1. Recommend approval of the application finding that the rezoning is in conformance with the review criteria of The Plan for El Paso as reflected in CPC report or other criteria that the CPC identifies from the Plan.
2. Recommend approval of the application with modifications to bring the rezoning into conformance with the review criteria in The Plan for El Paso as reflected in CPC report or other criteria from the Plan as identified by the CPC.
3. Deny the application finding that the rezoning does not conform to the review criteria in The Plan for El Paso as reflected in CPC report or other criteria identified in the Plan by the CPC.

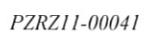
Attachments:

Attachment 1: Zoning Map

Attachment 2: Aerial Map

Attachment 3: Conceptual Site Plan

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ATTACHMENT 2: AERIAL MAP

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